UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,245	10/11/2000	David Wayne Kelleher	G&C 139.142-US-U1	7831

22462 7590 08/24/2007

GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045

EXAMINER	
IQBAL, KHAWAR	
ART UNIT	**PAPER NUMBER**
2617	

MAIL DATE	DELIVERY MODE
08/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/689,245	KELLEHER, DAVID WAYNE	
	Examiner	Art Unit	
	Khawar Iqbal	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-11,13,15,17,19-25,27,29,31,33-39,41,43,45,47,49,51,53 and 61-66* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1,3-11,13,15,17,19-25,27,29,31,33-39,41,43,45,47,49,51,53 and 61-66.

DETAILED ACTION

Reopening of Prosecution-New ground of Rejection After Appeal

In view of the appeal Brief filed on 5/1/2007, PROSECUTION IS HEREBY REOPENED. The rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1,3-11,13,15,17,19-23,25,27,29,31,33-37,39,41,43,45,47,49,51,53 and 61-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adamany et al (20020173306) further in view of Aravamudan et al (6301609).

Regarding claim 1 Adamany et al teaches a method for enabling cellular messaging comprising (figs. 1-2):

receiving, in a cellular phone's home cellular network (12), telemetry message from a foreign cellular network (MSC-H 12 receive new registration message from MSC-V 12, see para # 0050, fog. 2, steps 56 and 68):

the telemetry message was originally transmitted from a first cellular phone (20) to the foreign cellular network (para # 0038, the MSC-V 24 receives the registration information that is provided by the wireless unit 20, which information typically includes the ESN and MIN of the wireless unit 20);

the telemetry message comprises an indication that the first cellular phone has been power on (When the wireless unit 20 is turned on, typically it provides registration information to a base station 22 serving the cell of the visiting system wherein the wireless unit 20 is roaming, para # 0034); and

the telemetry message comprises a remote feature activation message (activation roaming) is interpreted by the foreign cellular network as a roaming cellular phone desiring to activate/deactivate a feature (activate/deactivate (denial/allowance) roaming feature para # 0051-0052);

in response to the home cellular network receiving the telemetry message, storing information regarding the first cellular phone in an database (HLR 16), wherein the information comprises a list (The table 32 or database 80 may include entries or records related to users, for detail see para. # 0075)(para # 0038, 0050-0051,0057,0062,0075,0099). Adamany et al does not specifically teach the information

comprising buddy list and storing information regarding the first cellular phone in an instant messaging database, transmitting a browser alert to one or more relevant buddies identified in the buddy list.

In an analogous art, Aravamudan et al teaches storing information regarding the first cellular phone in an instant messaging database, transmitting a browser alert to one or more relevant buddies identified in the buddy list (The IM server notifies selected buddies to the user of the users presence online, col. 5, lines 20-30, col.7 lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25, col. 10 lines 1-15). Aravamudan et al teaches the CPE device (150) that a user is utilizing is a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address. The IM server also notifies selected buddies to the user of the users presence online. The CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. The CSP 160 is owned and operated by a third party to which the service provider has provisioned access. The service provider provides the interface between

multiple networks and the CSP 160, thus allowing a client to maintain a continuous and locatable presence reachable from multiple networks.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Adamany et al by specifically adding transmitting a browser alert to one or more relevant buddies identified in the buddy list feature in order to enhance system performance to providing by utilizing the unique features and capabilities associated with existing and emerging instant messaging services and communication protocols to locate a registered user (see col. 2, lines 26-29).

Regarding claim 11 Adamany et al teaches a method for enabling cellular messaging comprising (figs. 1-5):

transmitting, from a first cellular phone to foreign cellular network (14), a telemetry message (para # 0038,0050, the MSC-V 24 receives the registration information that is provided by the wireless unit 20, which information typically includes the ESN and MIN of the wireless unit 20), wherein:

the telemetry message comprises an indication that the first cellular phone (150) has been powered on (When the wireless unit 20 is turned on, typically it provides registration information to a base station 22 serving the cell of the visiting system wherein the wireless unit 20 is roaming, para # 0034); and

the telemetry message comprises a remote feature activation message (activation roaming) wherein the remote feature activation message is interpreted by the cellular network as a roaming cellular phone desiring to activate/deactivate a feature,

and wherein the foreign cellular network forwards the telemetry message to the cellular phone's cellular network (activate/deactivate (denial/allowance) roaming feature) (para # 0038, 0050-0052,0057,0062,0099). Adamany et al does not specifically teach receiving a browser alert, on the first cellular phone, indicating availability of buddies on a buddy list of the first cellular phone.

In an analogous art, Aravamudan et al teaches receiving a browser alert, on the first cellular phone, indicating availability of buddies on a buddy list of the first cellular phone (col. 7 lines 1-40, col. 8, lines 35-col. 9, line 45,col. 10, lines 1-15). Aravamudan et al discloses using features and capabilities associated with instant messaging to locate a registered user, query the user for a proposed message disposition, and coordinate services among a plurality of communication devices, modes, and channels. A user proxy is registered to the user as a personal communication services platform. The user is able to define various rules for responding to received data and communications. The rules are stored within a rules database servicing the communication services plat form. Instant messaging is used for communications between the user and the communication services platform's user proxy. The CSP 160 is owned and operated by a third party to which the service provider has provisioned access. The service provider provides the interface between multiple networks and the CSP 160, thus allowing a client to maintain a continuous and locatable presence reachable from multiple networks. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Adamany et al by specifically adding transmitting a browser alert to one or more

relevant buddies identified in the buddy list feature in order to enhance system performance to providing by utilizing the unique features and capabilities associated with existing and emerging instant messaging services and communication protocols to locate a registered user (see col. 2, lines 26-29).

Regarding claim15 Adamany et al teaches a system for enabling cellular messaging comprising (figs. 1-5):

a home cellular network (12); a foreign cellular network(14);

and

a server on the cellular network, configured to:

receive a telemetry message comprising a remote feature activation message from the foreign cellular network, wherein the telemetry message was originally transmitted from the first cellular phone wherein telemetry message indicates that the first cellular phone has been powered on and wherein the remote feature activation message is interpreted by the cellular network as a roaming cellular phone desiring to activate/deactivate a feature (activate/deactivate (denial/allowance) roaming feature) (para # 0034,0038, 0050-0051,0057,0062,0099). Adamany et al does not specifically teach a browser alert to one or more relevant buddies identified in the buddy list.

In an analogous art, Aravamudan et al teaches an instant messaging database configured to maintain information regarding a first cellular phone, wherein the information comprises a buddy list (col. 5, lines 20-30, col.7 lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25, col. 10 lines 1-15); a browser alert to one or more relevant buddies identified in the buddy list (The IM server notifies selected buddies to

the user of the users presence online, col. 5, lines 20-30, col.7 lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25, col. 10 lines 1-15). Aravamudan et al teaches the CPE device (150) that a user is utilizing is a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address. The IM server also notifies selected buddies to the user of the users presence online. The CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. The CSP 160 is owned and operated by a third party to which the service provider has provisioned access. The service provider provides the interface between multiple networks and the CSP 160, thus allowing a client to maintain a continuous and locatable presence reachable from multiple networks.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Adamany et al by specifically adding transmitting a browser alert to one or more relevant buddies identified in the buddy list feature in order to enhance system performance to providing by utilizing the

unique features and capabilities associated with existing and emerging instant messaging services and communication protocols to locate a registered user (see col. 2, lines 26-29).

Regarding claim 25 Adamany et al teaches a system for enabling cellular messaging comprising a first cellular phone configured to (figs. 1-5):

transmit, to a foreign cellular network, a telemetry message, wherein (para # 0042-0034,0043,0038, 0051-0052,0062):

the telemetry message comprises an indication that the first cellular phone has been powered on (para # 0034,0042-0043,0038, 0050-0052,0062); and

the telemetry message comprises a remote feature activation message, and wherein the remote feature activation message is interpreted by the foreign cellular network as a roaming cellular phone desiring to activate/deactivate a feature, and wherein the foreign cellular network forwards the telemetry message to the first cellular phone's home cellular network (activate/deactivate (denial/allowance) roaming feature) (para # 0042-0043,0038, 0050-0052,0062). Adamany et al does not specifically teach receive a browser alert indicating availability of buddies on a buddy list of the first cellular phone.

In an analogous art, Aravamudan et al teaches receiving a browser alert indicating availability of buddies on a buddy list of the first cellular phone (col. 7 lines 1-40, col. 8, lines 35-col. 9, line 45,col. 10, lines 1-15, see figs. 1-9). Aravamudan et al discloses using features and capabilities associated with instant messaging to locate a registered user, query the user for a proposed message disposition, and coordinate

services among a plurality of communication devices, modes, and channels. A user proxy is registered to the user as a personal communication services platform. The user is able to define various rules for responding to received data and communications. The rules are stored within a rules database servicing the communication services plat form. Instant messaging is used for communications between the user and the communication services platform's user proxy. The CSP 160 is owned and operated by a third party to which the service provider has provisioned access. The service provider provides the interface between multiple networks and the CSP 160, thus allowing a client to maintain a continuous and locatable presence reachable from multiple networks. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Adamany et al by specifically adding transmitting a browser alert to one or more relevant buddies identified in the buddy list feature in order to enhance system performance to providing by utilizing the unique features and capabilities associated with existing and emerging instant messaging services and communication protocols to locate a registered user (see col. 2, lines 26-29).

Regarding claim 29 Adamany et al teaches an article of manufacture comprising a program storage medium readable by a computer hardware device and embodying one or more instructions executable by the computer hardware device to perform a method for enabling cellular messaging, the method comprising (figs. 1-5):

receiving, in a home cellular network, a telemetry message, from a foreign cellular network, wherein (para # 0042-0043,0038, 0050-0052,0062);

the telemetry message was originally transmitted from a first cellular phone, to the foreign cellular network (para # 0042-0043,0038, 0050-0052,0062);

the telemetry message comprises an indication that the first cellular phone has been powered on (para # 0034,0042-0043,0038, 0051-0052,0062); and

the telemetry message comprises a remote feature activation message, and

wherein the remote feature activation message is interpreted by the foreign cellular network as a roaming cellular phone desiring to activate/deactivate a feature (para # 0042-0043,0038, 0051-0052,0062);

in response to the home cellular network receiving the telemetry message, storing information regarding the first cellular phone in an database (para # 0038, 0050-0051,0057,0062,0099). Adamany et al does not specifically teach the home cellular network transmitting a browser alert to one or more relevant buddies identified in the buddy list.

In an analogous art, Aravamudan et al teaches the home cellular network transmitting a browser alert to one or more relevant buddies identified in the buddy list. (The IM server notifies selected buddies to the user of the users presence online, col. 5, lines 20-30, col.7 lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25, col. 10 lines 1-15). Aravamudan et al teaches the CPE device (150) that a user is utilizing is a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address. The IM server also notifies selected buddies to the user of the users presence online. The CSP updates the CSP database to indicate that the user is online, which CPE device the

user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. The CSP 160 is owned and operated by a third party to which the service provider has provisioned access. The service provider provides the interface between multiple networks and the CSP 160, thus allowing a client to maintain a continuous and locatable presence reachable from multiple networks.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Adamany et al by specifically adding transmitting a browser alert to one or more relevant buddies identified in the buddy list feature in order to enhance system performance to providing by utilizing the unique features and capabilities associated with existing and emerging instant messaging services and communication protocols to locate a registered user (see col. 2, lines 26-29).

Regarding claim 39 Adamany et al teaches an article of manufacture comprising a program storage medium readable by a computer hardware device and embodying one or more instructions executable by the computer hardware device to perform a

method for enabling cellular messaging, the method comprising (para # 0038, 0050-0051,0057,0062,0099):

transmitting to a foreign cellular network, from a first cellular phone, a telemetry message, wherein (para # 0038, 0050-0051,0057,0062,0099);

the telemetry message comprises an indication that the first cellular phone has been powered on (para # 0034,0038, 0050-0051,0057,0062,0099); and

the telemetry messages comprises a remote feature activation message, wherein the remote feature activation message is interpreted by the cellular network as a roaming cellular phone desiring to activate/deactivate a feature (activate/deactivate (denial/allowance) roaming feature), and wherein the foreign cellular network forwards the telemetry message to the first cellular phone's home cellular network (para # 0038, 0050-0051,0057,0062,0099). Adamany et al does not specifically teach receiving a browser alert, on the first cellular phone, indicating availability of buddies on a buddy list of the first cellular phone.

In an analogous art, Aravamudan et al teaches receiving a browser alert, on the first cellular phone, indicating availability of buddies on a buddy list of the first cellular phone (col. 7 lines 1-40, col. 8, lines 35-col. 9, line 45,col. 10, lines 1-15). Aravamudan et al discloses using features and capabilities associated with instant messaging to locate a registered user, query the user for a proposed message disposition, and coordinate services among a plurality of communication devices, modes, and channels. A user proxy is registered to the user as a personal communication services platform. The user is able to define various rules for responding to received data and

communications. The rules are stored within a rules database servicing the communication services plat form. Instant messaging is used for communications between the user and the communication services platform's user proxy. The CSP 160 is owned and operated by a third party to which the service provider has provisioned access. The service provider provides the interface between multiple networks and the CSP 160, thus allowing a client to maintain a continuous and locatable presence reachable from multiple networks. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Adamany et al by specifically adding transmitting a browser alert to one or more relevant buddies identified in the buddy list feature in order to enhance system performance to providing by utilizing the unique features and capabilities associated with existing and emerging instant messaging services and communication protocols to locate a registered user (see col. 2, lines 26-29).

Regarding claims 3,13,17,27,31,41 Adamany et al teaches wherein the telemetry message is a registration notification message (para # 0034, 0042-0043,0038, 0050-0051, 0057,0062,0099).

Regarding claims 5-7,19-21,33-35, see claim 1,11,15,25,29,39, further, Aravamudan et al teaches wherein the instant messaging database is maintained by an instant messaging partner (col. 1, lines 57, col. 4, lines 30-45, col. 6, lines 10-65, col. 7 lines 1-40, col. 8, lines 35-col. 9, line 45,col. 10, lines 1-15, fig. 1).

Regarding claims 8,9,22,23,36,37, see claim 1,11,15,25,29,39 further Aravamudan et al teaches wherein the one or more relevant buddies comprise buddies

on the first cellular phone's buddy list and wherein the one or more relevant buddies comprise computers connected to the Internet (col. 6, lines 10-65, col. 4, lines 30-45, col. 6, lines 10-65, col. 7 lines 1-40, col. 8, lines 35-col. 9, line 45,col. 10, lines 1-15, fig. 1).

Regarding claims 43,45,47,49,51,53 Adamany et al teaches wherein the remote feature activation message comprise data encoded in a dialed digits field of a message (para. # 0007,0010,0075,0078), further, Aravamudan et al wherein the remote feature activation message comprise data encoded in a dialed digits field of a message (col. 6, lines 10-65, see fig. 9 detail).

Regarding claims 61-66 Adamany et al teaches transmitting, from the first cellular phone to the foreign cellular network, a second telemetry message, wherein the second telemetry message comprises a standard registration message that will be forwarded by the foreign cellular network to the home cellular network (para # 0038-0043, 0050-0057,0062,0099).

3. Claims 10,24,38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adamany et al (20020173306) further in view of Aravamudan et al (6301609) and Godlewski (6421354).

Regarding claims 10,24 and 38 Adamany et al and Aravamudan et al does not specifically teach utilizing a short message service to deliver text messages using the cellular phone. On the other hand, Godlewski from the same field of endeavor discloses utilizing a short message service to deliver text messages using the cellular phone (col. 14, lines 1-20). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify the device of Aravamudan et al by specifically adding short message service for the purpose of increasing efficiency of the system taught by Godlewski.

Response to Arguments

4. Applicant's arguments with respect to claims 1,3-11,13,15,17,19-25,27,29,31,33-39,41,43,45,47,49,51,53 and 61-66 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Khawar Iqbal whose telephone number is (571) 272-7909.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal

GEORGE ENG
SUPERVISORY PATENT EXAMINER

Continuation of Disposition of Claims: Claims pending in the application are 1,3-11,13,15,17,19-25,27,29,31,33-39,41,43,45,47,49,51,53 and 61-66.